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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/901,512   | 07/09/2001  | James E. Ross        | 212463              | 7508             |
| 23460  | 7590        | 03/05/2004           | EXAMINER            |                  |
| LEYDIG VOIT & MAYER, LTD<br>TWO PRUDENTIAL PLAZA, SUITE 4900<br>180 NORTH STETSON AVENUE<br>CHICAGO, IL 60601-6780 |             |                      | KANOF, PEDRO R      |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3628                |                  |

DATE MAILED: 03/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 09/901,512             | ROSS ET AL.         |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Pedro Kanof            | 3628                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 July 2001.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 7-14 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 7-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> | 6) <input type="checkbox"/> Other: _____                                     |

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Dr. Morris F. Collen, Hospital Computer Systems, John Wiley & Sons, 1974 (herein after Collen).

Claim 7: Collen discloses the method of patient record documentation, tracking and order entry, comprising logging on to a peripheral CPU, displaying (Pages 106, 121-145) the user's name (Pages 69-71) and the active patient list "grease board" (Pages 586-590), and showing room location (Pages 86, 87, 117, 167, and 689), patient's name (Pages 509 and 510), patient's physician, nursing orders (Pages 482, 505-508, 585, and 586), patient priority and elapsed time of stay, and status of assignment of nurse and physician (510-512, 734-740, and 206-236), ordering of X-rays (Page 119), labs, tests (Pages 622, 715-717, 723-728) nurses' orders (Pages 115-120), records (Pages 592-594), dictation (Page 533) and vital signs (Pages 38-41, 53-56, 71-76, 285-293, 520, 521, 530-536, 614-620, 711, 712).

### ***Claim Rejections - 35 USC § 103***

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dr. Morris F. Collen, Hospital Computer Systems, John Wiley & Sons, 1974 (herein after Collen).

Claim 8: Collen discloses the method of claim 7. Collen does not explicitly disclose wherein the status is shown in small letters for ordering of X-rays, labs, tests, nurses' orders and dictation, and large letters for completion of X-rays, labs, tests, nurses' orders and transcription of dictation. Official notice is taken that those steps are well known in the edit art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include such steps. One would have been motivated to use small letters and large letters in order to highlight or differentiate important items using standard features of the word processing, such as highlight, underling, capitalizing, etc.

Claims 9-12: Collen discloses the method of claim 7. Collen does not explicitly disclose alternately displaying active patient list information in department layout, displaying the list of patients waiting to be seen by a physician, in order of priority, displaying patient lists by patient complaints, and displaying patient lists by patients whose reports have not been dictated by the physician. Official notice is taken that the sort with different criteria of the patient list discussed above in claim 7, is old and very well known in the data processing art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include such steps. One would have been motivated to sorted and displayed use any of the data as a

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filtering criteria in order to facilitate the management of the hospital services and to optimize the available medical resources.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dr. Morris F. Collen, Hospital Computer Systems, John Willey & Sons, 1974 (herein after Collen) in view of Tanaka (U.S. Patent No. 5,635,703).

Collen discloses the method of claim 7. Collen also discloses the use of cards reading by a computer in a medical and hospital information systems (Pages 276-289). The cards disclosed by Collen preceded the cards of the instant application, and the difference between the cards is due that the technology at the time Collen refers in his book was not based on magnetic or electronic memory, but just the physical (punch/holes) transformation of the card defined the contained information. However, Collen does not explicitly discloses with the current technology of cards, wherein the logging on comprises inserting a security card in a receiver connected to the peripheral CPU, which logs on and identifies the user and brings up the active patient list. Tanaka discloses such as step (Col. 1, lines 6-14). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include such as a step. One would have been motivated to use such as a step in order to facilitate the management of the hospital services.

6. Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dr. Morris F. Collen, Hospital Computer Systems, John Willey & Sons, 1974 (herein after Collen) in view of Tanaka (U.S. Patent No. 5,635,703), and further view of Deo et al. (U.S. Patent No. 5,721,781).

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Claim 14: Collen and Tanaka disclose the method of claim 13. However, the references does not explicitly disclose wherein pulling the card from the receiver automatically exits the screen, establishes a security lockout on the terminal, and saves the data which has been entered on the screen by transferring the data from the peripheral CPU to file servers connected to the CPU. Deo disclose such as a step (Col. 2, lines 26-40). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include such steps. One would have been motivated to use such a step in order to manage a centralized data base of the medical records and facilitate its decentralized consultation and update.

#### Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Pedro R. Kanof whose telephone number is (703) 308-9552. The examiner can normally be reached on weekdays from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Hyung Sough, can be reached on (703) 308-0505. The fax phone numbers for this Group are: Customer Service (703) 872-9325, Before Final (703) 872-9326, and After Final (703) 872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

PRK-03/01/03.

  
HYUNG SOUGH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600